

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH R. SINGLETON,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS MEDICAL DEPARTMENT,

Defendant.

Case No. C06-5572 FDB/KLS

ORDER DENYING THIRD MOTION  
FOR APPOINTMENT OF COUNSEL

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's third motion for appointment of counsel. (Dkt. # 23). Having reviewed the motion and Defendant's opposition (Dkt. # 25), the Court finds that Plaintiff's motion should be denied.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not  
2 demonstrated that the issues involved in this case are complex or that he has had any difficulties in  
3 expressing them. Plaintiff has brought forth his claims in a clear and organized manner. While  
4 Plaintiff may not have vast resources or legal training, he meets the threshold for a pro se litigant.  
5 The Court has already found that counsel is unnecessary in this case and that Plaintiff has not  
6 demonstrated a likelihood of success on the merits of his claims.

7 Plaintiff's previous two motions to appoint counsel (Dkt. # 9 and 13) were denied for the  
8 same reasons he presents in this third motion. The Court accepted that Plaintiff's first and second  
9 motions were brought in good faith and warned Plaintiff that any future motions should address the  
10 proper legal standard for the Court's consideration. (Dkt. # 15). Plaintiff was further advised that  
11 failure to do so may result in sanctions, which may include costs, monetary sanctions, and possibly  
12 dismissal of the action. (*Id.*).

13 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 23) is **DENIED**. The Court will  
14 not entertain further motions on this issue without a proper showing. Plaintiff should understand that  
15 the Court has already taken into consideration Plaintiff's indigent status and lack of legal training.  
16 These are not extraordinary circumstances that warrant the appointment of counsel. Plaintiff must  
17 not persist in filing motions on these same grounds. If Plaintiff persists in filing motions in bad faith,  
18 he will be ordered to show cause why his action should not be dismissed.

19 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

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21 DATED this 12th day of April, 2007.

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25 Karen L. Strombom  
26 United States Magistrate Judge  
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